



General Assembly

January Session, 2003

***Raised Bill No. 6508***

LCO No. 3704

Referred to Committee on Energy and Technology

Introduced by:  
(ET)

***AN ACT CONCERNING LONG-TERM PLANNING FOR ENERGY FACILITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-50i of the general statutes is amended by  
2 adding subsection (g) as follows (*Effective July 1, 2003*):

3 (NEW) (g) "Request-for-proposal process" or "request-for-proposal"  
4 means the process set forth in subsections (a) and (b) of section 11 of  
5 this act.

6 Sec. 2. Subsection (a) of section 16-50l of the general statutes is  
7 repealed and the following is substituted in lieu thereof (*Effective July*  
8 *1, 2003*):

9 (a) (1) To initiate a certification proceeding, an applicant for a  
10 certificate shall file with the council an application, in such form as the  
11 council may prescribe, accompanied by a filing fee of not more than  
12 twenty-five thousand dollars, which fee shall be established in  
13 accordance with section 16-50t, and a municipal participation fee of  
14 \_\_\_\_\_ dollars to be deposited in the account established pursuant to

15 section 7 of this act, except that an application for a facility described in  
 16 subdivision (5) or (6) of subsection (a) of section 16-50i shall not pay  
 17 such municipal participation fee, containing such information as the  
 18 applicant may consider relevant and the council or any department or  
 19 agency of the state exercising environmental controls may by  
 20 regulation require, including the following information:

21 [(1)] (A) In the case of facilities described in subdivisions (1), (2) and  
 22 (4) of subsection (a) of section 16-50i: [(A)] (i) A description, including  
 23 estimated costs, of the proposed transmission line, substation or  
 24 switchyard, covering, where applicable underground cable sizes and  
 25 specifications, overhead tower design and appearance and heights, if  
 26 any, conductor sizes, and initial and ultimate voltages and capacities;  
 27 [(B)] (ii) a statement and full explanation of why the proposed  
 28 transmission line, substation or switchyard is necessary and how the  
 29 facility conforms to a long-range plan for expansion of the electric  
 30 power grid serving the state and interconnected utility systems, that  
 31 will serve the public need for adequate, reliable and economic service;  
 32 [(C)] (iii) a map of suitable scale of the proposed routing or site,  
 33 showing details of the rights-of-way or site in the vicinity of settled  
 34 areas, parks, recreational areas and scenic areas, and showing existing  
 35 transmission lines within one mile of the proposed route or site; [(D)]  
 36 (iv) justification for adoption of the route or site selected, including  
 37 comparison with alternative routes or sites which are environmentally,  
 38 technically and economically practical; [(E)] (v) a description of the  
 39 effect of the proposed transmission line, substation or switchyard on  
 40 the environment, ecology, and scenic, historic and recreational values;  
 41 [(F)] (vi) a justification for overhead portions, if any, including life-  
 42 cycle cost studies comparing overhead alternatives with underground  
 43 alternatives, and effects described in [subdivision (E)] (v) of this  
 44 subparagraph of undergrounding; [(G)] (vii) a schedule of dates  
 45 showing the proposed program of right-of-way or property  
 46 acquisition, construction, completion and operation; and [(H)] (viii)  
 47 identification of each federal, state, regional, district and municipal  
 48 agency with which proposed route or site reviews have been

49 undertaken, including a copy of each written agency position on such  
50 route or site; and

51 [(2)] (B) in the case of facilities described in subdivision (3) of  
52 subsection (a) of section 16-50i: [(A)] (i) A description of the proposed  
53 electric generating or storage facility; [(B)] (ii) a statement and full  
54 explanation of why the proposed facility is necessary; [(C)] (iii) a  
55 statement of loads and resources as described in section 16-50r; [(D)]  
56 (iv) safety and reliability information, including planned provisions for  
57 emergency operations and shutdowns; [(E)] (v) estimated cost  
58 information, including plant costs, fuel costs, plant service life and  
59 capacity factor, and total generating cost per kilowatt-hour, both at the  
60 plant and related transmission, and comparative costs of alternatives  
61 considered; [(F)] (vi) a schedule showing the program for design,  
62 material acquisition, construction and testing, and operating dates;  
63 [(G)] (vii) available site information, including maps and description  
64 and present and proposed development, and geological, scenic,  
65 ecological, seismic, biological, water supply, population and load  
66 center data; [(H)] (viii) justification for adoption of the site selected,  
67 including comparison with alternative sites; [(I)] (ix) design  
68 information, including description of facilities, plant efficiencies,  
69 electrical connections to system, and control systems; [(J)] (x)  
70 description of provisions, including devices and operations, for  
71 mitigation of the effect of the operation of the facility on air and water  
72 quality, for waste disposal, and for noise abatement, and information  
73 on other environmental aspects; [(K)] (xi) a listing of federal, state,  
74 regional, district and municipal agencies from which approvals either  
75 have been obtained or will be sought covering the proposed facility,  
76 copies of approvals received and the planned schedule for obtaining  
77 those approvals not yet received.

78 (2) The filing of an application pursuant to subdivision (1) of this  
79 subsection shall initiate the request-for-proposal process, except for an  
80 application for a facility described in subdivision (5) or (6) of  
81 subsection (a) of section 16-50i.

82       (3) Notwithstanding the provisions of this subsection, an entity that  
83       has submitted a proposal pursuant to the request-for-proposal process  
84       may initiate a certification proceeding by filing with the council an  
85       application containing the information submitted pursuant to  
86       subsection (c) of section 11 of this act, and any supplemental material  
87       the applicant may consider relevant to the proposal, accompanied by a  
88       filing fee of not more than twenty-five thousand dollars, which fee  
89       shall be established in accordance with section 16-50t, not later than  
90       \_\_\_\_\_ days after the Connecticut Energy Advisory Board performs  
91       the evaluation process pursuant to subsection (d) of section 11 of this  
92       act.

93       Sec. 3. Subsection (e) of section 16-50l of the general statutes is  
94       repealed and the following is substituted in lieu thereof (*Effective July*  
95       *1, 2003*):

96       (e) (1) [At] Except as provided in subdivision (2) of this subsection,  
97       at least sixty days prior to the filing of any application with the council,  
98       the applicant shall consult with the municipality in which the facility  
99       may be located and with any other municipality required to be served  
100       with a copy of the application under subdivision (1) of subsection (b)  
101       of this section concerning the proposed and alternative sites of the  
102       facility. Such consultation with the municipality shall include, but not  
103       be limited to good faith efforts to meet with the chief elected official of  
104       the municipality. At the time of the consultation, the applicant shall  
105       provide the chief elected official with any technical reports concerning  
106       the public need, the site selection process and the environmental  
107       effects of the proposed facility. The municipality may conduct public  
108       hearings and meetings as it deems necessary for it to advise the  
109       applicant of its recommendations concerning the proposed facility.  
110       Within sixty days of the initial consultation, the municipality shall  
111       issue its recommendations to the applicant.

112       (2) Upon the submission of a proposal pursuant to a request-for-  
113       proposal, the person or entity submitting the proposal shall consult

114 with the municipality in which the facility may be located and with  
 115 any other municipality that would be required to be served with a  
 116 copy of an application for such proposal under subdivision (1) of  
 117 subsection (b) of this section concerning the proposed and alternative  
 118 sites of the facility. Such consultation with the municipality shall  
 119 include, but not be limited to, good faith efforts to meet with the chief  
 120 elected official of the municipality. At the time of the consultation, the  
 121 person or entity submitting the proposal shall provide the chief elected  
 122 official with any technical reports concerning the public need, the site  
 123 selection process and the environmental effects of the proposed  
 124 facility. The municipality may conduct public hearings and meetings  
 125 as it deems necessary for it to advise the person or entity submitting  
 126 the proposal of its recommendations concerning the proposed facility.  
 127 Within sixty days of the initial consultation, the municipality shall  
 128 issue its recommendations to the person or entity submitting the  
 129 proposal. A person or entity that has complied with this subdivision  
 130 shall be exempt from the provisions of subdivision (1) of this  
 131 subsection.

132 (3) No later than fifteen days after submitting [the] an application to  
 133 the council, the applicant shall provide to the council all materials  
 134 provided to the municipality and a summary of the consultations with  
 135 the municipality including all recommendations issued by the  
 136 municipality.

137 Sec. 4. Subsection (a) of section 16-50m of the general statutes is  
 138 repealed and the following is substituted in lieu thereof (*Effective July*  
 139 *1, 2003*):

140 (a) [Upon the receipt of an application for a certificate complying  
 141 with section 16-50l, the council shall promptly fix a commencement  
 142 date and location for a public hearing thereon not less than thirty days  
 143 nor more than one hundred fifty days after such receipt.] The council  
 144 shall promptly fix a commencement date and location for a public  
 145 hearing on an application for a certificate complying with section 16-

146 50l, as amended by this act, (1) where no proposals are received  
 147 pursuant to the request-for-proposal process, not less than thirty days  
 148 after the deadline for submission of such proposals nor more than one  
 149 hundred fifty days after such deadline; (2) where a proposal is  
 150 received pursuant to the request-for-proposal process, not less than  
 151 thirty days after the deadline of submission of an application pursuant  
 152 to subdivision (3) of subsection (a) of section 16-50l, as amended by  
 153 this act, nor more than one hundred fifty days after such deadline; or  
 154 (3) where the application is for a facility described in subdivision (5) or  
 155 (6) of subsection (a) of section 16-50i, not less than thirty days after  
 156 receipt of an application nor more than one hundred fifty days after  
 157 such receipt. Applications that are common to a request-for-proposal  
 158 shall be heard under a consolidated public hearing process. At least  
 159 one session of such hearing shall be held at a location selected by the  
 160 council in the county in which the facility or any part thereof is to be  
 161 located after six-thirty p.m. for the convenience of the general public.  
 162 After holding at least one hearing session in the county in which the  
 163 facility or any part thereof is to be located, the council may, in its  
 164 discretion, hold additional hearing sessions at other locations. If the  
 165 proposed facility is to be located in more than one county, the council  
 166 shall fix the location for at least one public hearing session in  
 167 whichever county it determines is most appropriate, provided the  
 168 council may hold hearing sessions in more than one county.

169 Sec. 5. Section 16-50o of the general statutes is repealed and the  
 170 following is substituted in lieu thereof (*Effective July 1, 2003*):

171 (a) A record shall be made of the hearing and of all testimony taken  
 172 and the cross-examinations thereon. Every party or group of parties as  
 173 provided in section 16-50n shall have the right to present such oral or  
 174 documentary evidence and to conduct such cross-examination as may  
 175 be required for a full and true disclosure of the facts.

176 (b) The applicant shall submit into the record the full text of the  
 177 terms of any agreement, and a statement of any consideration therefor,

178 if not contained in such agreement, entered into by the applicant and  
179 any party to the certification proceeding, or any third party, in  
180 connection with the construction or operation of the facility. This  
181 provision shall not require the public disclosure of proprietary  
182 information or trade secrets.

183 (c) The Connecticut Energy Advisory Board shall submit into the  
184 record the results of the evaluation process pursuant to subsection (d)  
185 of section 11 of this act.

186 [(b)] (d) A copy of the record shall be available at all reasonable  
187 times for examination by the public without cost at the principal office  
188 of the council. A copy of the transcript of testimony at the hearing shall  
189 be filed at an appropriate public office, as determined by the council,  
190 in each county in which the facility or any part thereof is proposed to  
191 be located.

192 Sec. 6. Subsection (a) of section 16-50p of the general statutes is  
193 repealed and the following is substituted in lieu thereof (*Effective July*  
194 *1, 2003*):

195 (a) (1) In a certification proceeding, the council shall render a  
196 decision upon the record either granting or denying the application as  
197 filed, or granting it upon such terms, conditions, limitations or  
198 modifications of the construction or operation of the facility as the  
199 council may deem appropriate.

200 (2) The council's decision shall be rendered [within] in accordance  
201 with the following:

202 (A) Within twelve months of the [filing of an application  
203 concerning] deadline for filing an application following the request-  
204 for-proposal process for a facility described in subdivision (1) or (2) of  
205 subsection (a) of section 16-50i or subdivision (4) of said subsection (a)  
206 if the application was incorporated in an application concerning a  
207 facility described in subdivision (1) of said subsection (a); [ and

208 within]

209 (B) Within one hundred eighty days of the [filing of any other  
210 application concerning] deadline for filing an application following the  
211 request-for-proposal process for a facility described in subdivision (4)  
212 of said subsection (a), and an application concerning a facility  
213 described in subdivision (3) [,] or (5) [or (6)] of said subsection (a),  
214 provided such time periods may be extended by the council by not  
215 more than one hundred eighty days with the consent of the applicant;  
216 and

217 (C) Within twelve months of the filing of an application for a facility  
218 described in subdivision (5) or (6) of said subsection (a), provided such  
219 time period may be extended by the council by not more than one  
220 hundred eighty days with the consent of the applicant.

221 (3) The council shall file, with its order, an opinion stating in full its  
222 reasons for the decision. Except as provided in subsection (c) of this  
223 section, the council shall not grant a certificate, either as proposed or as  
224 modified by the council, unless it shall find and determine:

225 [(1)] (A) A public need for the facility and the basis of the need;

226 [(2) the] (B) The nature of the probable environmental impact,  
227 including a specification of every significant adverse effect, whether  
228 alone or cumulatively with other effects, on, and conflict with the  
229 policies of the state concerning, the natural environment, ecological  
230 balance, public health and safety, scenic, historic and recreational  
231 values, forests and parks, air and water purity and fish, aquaculture  
232 and wildlife;

233 [(3) why] (C) Why the adverse effects or conflicts referred to in  
234 [subdivision (2) of this subsection] subparagraph (B) of this  
235 subdivision are not sufficient reason to deny the application;

236 [(4) in] (D) In the case of an electric transmission line, [(A)] (i) what  
237 part, if any, of the facility shall be located overhead, [(B)] (ii) that the



238 facility conforms to a long-range plan for expansion of the electric  
 239 power grid of the electric systems serving the state and interconnected  
 240 utility systems and will serve the interests of electric system economy  
 241 and reliability, and [(C)] (iii) that the overhead portions of the facility,  
 242 if any, are cost effective and the most appropriate alternative based on  
 243 a life-cycle cost analysis of the facility and underground alternatives to  
 244 such facility, and are consistent with the purposes of this chapter, with  
 245 such regulations as the council may adopt pursuant to subsection (a) of  
 246 section 16-50t, and with the Federal Power Commission "Guidelines  
 247 for the Protection of Natural Historic Scenic and Recreational Values in  
 248 the Design and Location of Rights-of-Way and Transmission Facilities"  
 249 or any successor guidelines and any other applicable federal  
 250 guidelines;

251 [(5) in] (E) In the case of an electric or fuel transmission line, that the  
 252 location of the line will not pose an undue hazard to persons or  
 253 property along the area traversed by the line; and

254 (F) In the case of an application that was heard under a consolidated  
 255 hearing process with other applications that were common to a  
 256 request-for-proposal, that the facility proposed in the subject  
 257 application represents the most appropriate alternative among such  
 258 applications based on the findings and determinations pursuant to this  
 259 subsection and subsection (c) of this section.

260 [The terms of any agreement entered into by the applicant and any  
 261 party to the certification proceeding, or any third party, in connection  
 262 with the construction or operation of the facility, shall be part of the  
 263 record of the proceedings and available for public inspection. The full  
 264 text of any such agreement, and a statement of any consideration  
 265 therefor, if not contained in the agreement, shall be filed with the  
 266 council prior to the council's decision. This provision shall not require  
 267 the public disclosure of proprietary information or trade secrets.]

268 Sec. 7. (NEW) (*Effective July 1, 2003*) (a) There is established an  
 269 account to be known as the "municipal participation account", within

270 the Consumer Counsel and Public Utility Control Fund established  
271 pursuant to section 16-48a of the general statutes, which shall be a  
272 separate, nonlapsing account. There shall be deposited in the account  
273 the municipal participation fees received pursuant to subdivision (1) of  
274 subsection (a) of section 16-50l of the general statutes, as amended by  
275 this act, and subsection (c) of section 11 of this act. The interest derived  
276 from the investment of the account shall be credited to the fund. Any  
277 balance remaining in the account at the end of any fiscal year shall be  
278 carried forward in the account for the fiscal year next succeeding.

279 (b) Payments from the account shall be made upon authorization by  
280 the Connecticut Siting Council not later than \_\_\_\_ days after receipt of  
281 an application for a proposed facility, except for a facility described in  
282 subdivisions (5) and (6) of subsection (a) of section 16-50i of the general  
283 statutes to each municipality entitled to receive a copy of such  
284 application under section 16-50l of the general statutes, as amended by  
285 this act, in order to defray expenses incurred by such municipalities in  
286 participating as a party to a certification proceeding, except for a  
287 proceeding on an application for a facility described in subdivision (5)  
288 or (6) of subsection (a) of section 16-50i. Fees received pursuant to  
289 applications from a common request-for-proposal and the application  
290 that initiated such request-for-proposal shall be designated for use in  
291 the common certification proceeding for such applications, except that  
292 where there are excess moneys at the conclusion of such proceeding,  
293 such moneys may be used for a subsequent proceeding. Where more  
294 than one municipality seeks moneys from such account, the council  
295 shall evenly distribute such moneys among the municipalities. No  
296 municipality may receive moneys from the account in excess of \_\_\_\_  
297 dollars. No municipality may receive moneys from the account in  
298 excess of the dollar amount such municipality has expended from its  
299 own municipal funds. A municipality that has received moneys from  
300 the account in excess of the costs it incurred in participating in the  
301 certification proceeding, as determined by the council, shall refund  
302 such excess moneys to the account upon the conclusion of such  
303 proceeding.

304 Sec. 8. Section 16a-3 of the general statutes is repealed and the  
305 following is substituted in lieu thereof (*Effective July 1, 2003*):

306 (a) There is established a Connecticut Energy Advisory Board  
307 consisting of [sixteen] nine members, including the Commissioner of  
308 Economic and Community Development, the Commissioner of  
309 Environmental Protection, [the chairperson of the Connecticut Siting  
310 Council,] the chairperson of the Public Utilities Control Authority, [the  
311 Commissioner of Public Works and] the Commissioner of  
312 Transportation, the Commissioner of Agriculture, and the Secretary of  
313 the Office of Policy and Management, or their respective designees.  
314 The Governor shall appoint [four members] one member, the president  
315 pro tempore of the Senate shall appoint [three members] one member,  
316 and the speaker of the [House] House of Representatives shall appoint  
317 [three members] one member, all of whom shall serve in accordance  
318 with section 4-1a. [At least one of the members appointed to said board  
319 by the Governor shall be a representative of organized labor.] No  
320 appointee may be employed by a public service company, as defined  
321 in section 16-1, or an electric supplier, as defined in section 16-1.

322 (b) The board shall, [(1) under section 16a-7, (A) recommend to the  
323 Governor and General Assembly programs for enhancing the state's  
324 energy management and carrying out the purposes of section 16a-35k  
325 and (B) recommend long-range energy supply and demand options  
326 with particular emphasis on conservation and energy resource  
327 development within the state, (2) act as a mediator and coordinator for  
328 programs which will identify opportunities for and concerns of the  
329 state in managing its future energy requirements, especially with  
330 regard to conservation and the use of renewable energy resources, (3)  
331 respond to requests of the General Assembly to review or examine  
332 issues requiring consideration and policy formulation and (4) examine  
333 the energy component of the state's economy as it affects citizens,  
334 government, commerce and industry] (1) prepare an annual report  
335 pursuant to section 9 of this act; (2) represent the state in regional  
336 transmission infrastructure planning processes conducted by the

337 regional independent system operator, as defined in section 16-1; (3)  
338 encourage representatives from the municipalities that are affected by  
339 a proposed project of regional significance to participate in regional  
340 transmission infrastructure planning processes conducted by the  
341 regional independent system operator; (4) issue a request-for-proposal  
342 in accordance with subsections (a) and (b) of section 11 of this act; (5)  
343 evaluate the proposals received pursuant to the request-for-proposal in  
344 accordance with subsection (d) of section 11 of this act; (6) participate  
345 in a forecast proceeding conducted pursuant to subsection (a) of  
346 section 16-50r; and (7) participate in a life-cycle proceeding conducted  
347 pursuant to subsection (b) of section 16-50r.

348 (c) The board shall elect a chairman and a vice-chairman from  
349 among its members and shall adopt such rules of procedure as are  
350 necessary to carry out its functions. [Each member of the board who  
351 holds no salaried state office shall be compensated for the performance  
352 of his official duties at the rate of fifty dollars per day.]

353 (d) The Institute for Sustainable Energy at Eastern Connecticut State  
354 University shall provide such staff as is required for the proper  
355 discharge of the duties of the board.

356 [(d)] (e) The Connecticut Energy Advisory Board shall be within the  
357 Office of Policy and Management for administrative purposes only.

358 Sec. 9. (NEW) (*Effective July 1, 2003*) On or before January 1, 2004,  
359 and annually thereafter, the Connecticut Energy Advisory Board shall  
360 prepare a comprehensive energy plan based on existing reports and  
361 studies as to the need for new energy resources, new energy  
362 transmission facilities in the state and new energy conservation  
363 initiatives in the state. The board shall hold regional public hearings on  
364 the proposed plan and shall give at least thirty days notice of each  
365 hearing by publication in the Connecticut Law Journal. Notice of such  
366 hearing may be published in one or more newspapers having general  
367 circulation in each municipality as deemed necessary by the board.  
368 The notice shall state the date, time and place of the hearing, the

369 subject matter of the hearing, the statutory authority for the plan and  
370 the location where a copy of the plan may be examined. Any person  
371 may comment on the proposed plan. The board shall provide a time  
372 period of not less than forty-five days from the date the notice is  
373 published in the Connecticut Law Journal for review and comment.  
374 The board shall consider fully, after all public hearings, all written and  
375 oral comments respecting the proposed plan and shall mail to each  
376 person who commented or requested notification, notice of availability  
377 of the following documents at a designated location: The text of the  
378 final plan, a summary of the differences between the proposed and  
379 final plan and the reasons for such differences, and the principal  
380 considerations raised in opposition to the proposed plan and the  
381 reasons for rejecting any such considerations. The chairman of the  
382 board shall sign the final plan and shall submit it to the joint standing  
383 committee of the General Assembly having cognizance of matters  
384 relating to energy, the environment and transportation. Such plan shall  
385 reflect the legislative findings and policy stated in section 16a-35k of  
386 the general statutes, shall be consistent with the state plan of  
387 conservation and development adopted under chapter 297 of the  
388 general statutes, and shall include, but not be limited to, (1) an  
389 assessment of current energy supplies, demand and costs; (2) an  
390 identification and evaluation of the factors likely to affect future  
391 energy supplies, demand and costs; (3) a statement of progress made  
392 toward long-term goals set in the previous report; (4)  
393 recommendations for decreasing dependency on fossil fuels by  
394 promoting energy conservation, solar and other alternative energy  
395 sources; (5) an assessment of the infrastructure of the state for natural  
396 gas and electric systems; (6) an evaluation of the impact of regional  
397 transmission infrastructure planning processes conducted by the  
398 regional independent system operator, as defined in section 16-1 of the  
399 general statutes, on the state's environment, on energy market design,  
400 and economic development in the state; and (7) the consideration of  
401 alternative energy planning mechanisms and targets as an alternative  
402 to integrated resource planning.

403       Sec. 10. (NEW) (*Effective July 1, 2003*) The Connecticut Energy  
404       Advisory Board shall develop guidelines for the evaluation process  
405       under subsection (d) of section 11 of this act based on infrastructure  
406       criteria which shall be consistent with state environmental policy and  
407       the findings in the comprehensive energy plan prepared pursuant to  
408       section 9 of this act, and shall include, but not be limited to, the  
409       following: (1) Environmental preference standards; (2) efficiency  
410       standards, including, but not limited to, efficiency standards for  
411       transmission, generation and demand-side management; (3)  
412       generation preference standards; (4) electric capacity, use trends and  
413       forecasted resource needs; (5) natural gas capacity, use trends and  
414       forecasted resource needs; and (6) regional bulk power grid reliability  
415       criteria.

416       Sec. 11. (NEW) (*Effective July 1, 2003*) (a) Not later than \_\_\_\_ days  
417       after the filing of an application pursuant to subsection (a) of section  
418       16-50i of the general statutes, except for an application for a facility  
419       described in subdivision (5) or (6) of subsection (a) of section 16-50i of  
420       the general statutes, the Connecticut Energy Advisory Board shall  
421       issue a request-for-proposal to seek alternative solutions to the need  
422       that will be addressed by the proposed facility in such application. The  
423       board shall publish such request-for-proposal in the Connecticut Law  
424       Journal for not less than \_\_\_\_ consecutive weeks.

425       (b) The board may issue a request-for-proposal for solutions to a  
426       need for new energy resources, new energy transmission facilities in  
427       the state, and new energy conservation initiatives in the state identified  
428       in the annual comprehensive energy report prepared under section 9  
429       of this act. The board shall publish such request-for-proposal in the  
430       Connecticut Law Journal for not less than \_\_\_\_ consecutive weeks.

431       (c) Not later than \_\_\_\_ days after publication of a request-for-  
432       proposal, a person or any legal entity may submit a proposal by filing  
433       with the board an application, accompanied by a municipal  
434       participation fee of \_\_\_\_ dollars, which fee shall be deposited in the

435 account established pursuant to section 7 of this act, containing such  
436 information as the person or entity may consider relevant to such  
437 proposal, as required by the Connecticut Siting Council pursuant to  
438 section 16-50l of the general statutes, as amended by this act, and as  
439 required by regulation of the council or any department or agency of  
440 the state exercising environmental controls.

441 (d) Not later than \_\_\_\_ days after the deadline for submissions in  
442 response to a request-for-proposal, the board shall issue a report that  
443 evaluates each proposal received, including any proposal contained in  
444 an application to the council that initiated a request-for-proposal,  
445 based on the materials received pursuant to subsection (b) of this  
446 section, or information contained in the application, as required by  
447 section 16-50l of the general statutes, as amended by this act, for  
448 conformance with the infrastructure criteria guidelines created  
449 pursuant to section 10 of this act. The board shall present testimony on  
450 the results of such evaluation process in a certificate proceeding  
451 conducted pursuant to chapter 277a of the general statutes.

452 Sec. 12. Section 16a-4 of the general statutes is repealed and the  
453 following is substituted in lieu thereof (*Effective July 1, 2003*):

454 The Secretary of the Office of Policy and Management shall employ,  
455 subject to the provisions of chapter 67, such staff as is required for the  
456 proper discharge of duties of the office as set forth in this chapter and  
457 sections 4-5, 4-124l, 4-124p, 8-3b, 8-32a, 8-33a, 8-35a, 8-189, subsection  
458 (b) of section 8-206, sections 16a-20, 16a-102, 22a-352 and 22a-353. [,  
459 and shall provide the board with such assistance as is necessary to  
460 enable the board to fulfill its obligations as set forth in this chapter and  
461 section 16a-102.] The secretary may adopt, pursuant to chapter 54, such  
462 regulations as are necessary to carry out the purposes of this chapter.

463 Sec. 13. Subsection (e) of section 25-204 of the general statutes is  
464 repealed and the following is substituted in lieu thereof (*Effective July*  
465 *1, 2003*):

466 (e) After adoption pursuant to subsection (d) of this section of an  
 467 inventory, statement of objectives and map, the river committee shall  
 468 prepare a report on all federal, state and municipal laws, plans,  
 469 programs and proposed activities which may affect the river corridor  
 470 defined in such map. Such laws shall include regulations adopted  
 471 pursuant to chapter 440 and zoning, subdivision and site plan  
 472 regulations adopted pursuant to section 8-3. Such plans shall include  
 473 plans of conservation and development adopted pursuant to section 8-  
 474 23, the state plan for conservation and development, water utility  
 475 supply plans adopted pursuant to section 25-32d, coordinated water  
 476 system plans adopted pursuant to section 25-33h, the comprehensive  
 477 energy plan adopted pursuant to section [16a-35m] 9 of this act,  
 478 municipal open space plans, the commissioner's fish and wildlife  
 479 plans, the master transportation plan adopted pursuant to section 13b-  
 480 15, plans prepared by regional planning agencies pursuant to section  
 481 8-31a, and publicly-owned wastewater treatment facility plans. State  
 482 and regional agencies shall, within available resources, assist the river  
 483 committee in identifying such laws, plans, programs and proposed  
 484 activities. The report to be prepared pursuant to this section shall  
 485 identify any conflicts between such federal, state, regional and  
 486 municipal laws, plans, programs and proposed activities and the river  
 487 committee's objectives for river corridor protection and preservation as  
 488 reflected in the statement of objectives. If conflicts are identified, the  
 489 river committee shall notify the applicable state, regional or municipal  
 490 agencies and such agencies shall, within available resources, attempt  
 491 with the river commission to resolve such conflicts.

492 Sec. 14. Subdivision (4) of section 25-231 of the general statutes is  
 493 repealed and the following is substituted in lieu thereof (*Effective July*  
 494 *1, 2003*):

495 (4) "Major state plan" means any of the following: The master  
 496 transportation plan adopted pursuant to section 13b-15, the plan for  
 497 development of outdoor recreation adopted pursuant to section 22a-21,  
 498 the solid waste management plan adopted pursuant to section 22a-211,



499 the state-wide plan for the management of water resources adopted  
500 pursuant to section 22a-352, the state-wide environmental plan  
501 adopted pursuant to section 22a-8, the historic preservation plan  
502 adopted under the National Historic Preservation Act, 16 USC 470 et  
503 seq., the state-wide facility and capital plan adopted pursuant to  
504 section 4b-23, the long-range state housing plan adopted pursuant to  
505 section 8-37t, the comprehensive energy plan adopted pursuant to  
506 section [16a-35m] 9 of this act, the water quality management plan  
507 adopted under the federal Clean Water Act, 33 USC 1251 et seq., the  
508 Connecticut hazardous waste management plan adopted pursuant to  
509 section 22a-134cc, any plans for managing forest resources adopted  
510 pursuant to section 23-20 and the Connecticut River Atlantic Salmon  
511 Compact adopted pursuant to section 26-302.

512 Sec. 15. Subsection (e) of section 25-234 of the general statutes is  
513 repealed and the following is substituted in lieu thereof (*Effective July*  
514 *1, 2003*):

515 (e) After adoption of an inventory, statement of objectives and map,  
516 pursuant to subsection (d) of this section, the river commission shall  
517 prepare a report on all federal, state, regional and municipal laws,  
518 plans, programs and proposed activities which may affect the river  
519 corridor defined in such map. Such federal, state, regional and  
520 municipal laws shall include regulations adopted pursuant to chapter  
521 440, and zoning, subdivision and site plan regulations adopted  
522 pursuant to section 8-3. Such federal, state, regional and municipal  
523 plans shall include plans of development adopted pursuant to section  
524 8-23, the state plan for conservation and development, water utility  
525 supply plans submitted pursuant to section 25-32d, coordinated water  
526 system plans submitted pursuant to section 25-33h, the comprehensive  
527 energy plan adopted pursuant to section [16a-35m] 9 of this act, the  
528 master transportation plan adopted pursuant to section 13b-15, plans  
529 prepared by regional planning organizations pursuant to section 8-31a  
530 and plans of publicly-owned wastewater treatment facilities whose  
531 discharges may affect the subject river corridor. State and regional

532 agencies shall, within available resources, assist the river commission  
533 in identifying such laws, plans, programs and proposed activities. The  
534 report to be prepared pursuant to this section shall identify any  
535 conflicts between such federal, state, regional and municipal laws,  
536 plans, programs and proposed activities and the river commission's  
537 objectives for river corridor management as reflected in the statement  
538 of objectives. If conflicts are identified, the river commission shall  
539 notify the applicable state, regional or municipal agencies and such  
540 agencies shall, within available resources and in consultation with the  
541 river commission, attempt to resolve such conflicts.

542       Sec. 16. Subsection (b) of section 16-245m of the general statutes is  
543 repealed and the following is substituted in lieu thereof (*Effective July*  
544 *1, 2003*):

545       (b) The electric distribution company shall establish an Energy  
546 Conservation and Load Management Fund which shall be held  
547 separate and apart from all other funds or accounts. Receipts from the  
548 charge imposed under subsection (a) of this section shall be deposited  
549 into the fund. Any balance remaining in the fund at the end of any  
550 fiscal year shall be carried forward in the fiscal year next succeeding.  
551 The Department of Public Utility Control shall annually authorize a  
552 disbursement from said fund of not more than       dollars to the  
553 Institute for Sustainable Energy at Eastern Connecticut State  
554 University. Disbursements from the balance of the fund by electric  
555 distribution companies to carry out the plan developed under  
556 subsection (d) of this section shall be authorized by the [Department of  
557 Public Utility Control] department upon its approval of such plan. The  
558 amount disbursed to the Institute for Sustainable Energy from each  
559 Energy Conservation and Load Management Fund shall be  
560 proportionately based on receipts received by each fund.

561       Sec. 17. (*Effective July 1, 2003*) Sections 16a-7 and 16a-35m of the  
562 general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>
Sec. 6	<i>July 1, 2003</i>
Sec. 7	<i>July 1, 2003</i>
Sec. 8	<i>July 1, 2003</i>
Sec. 9	<i>July 1, 2003</i>
Sec. 10	<i>July 1, 2003</i>
Sec. 11	<i>July 1, 2003</i>
Sec. 12	<i>July 1, 2003</i>
Sec. 13	<i>July 1, 2003</i>
Sec. 14	<i>July 1, 2003</i>
Sec. 15	<i>July 1, 2003</i>
Sec. 16	<i>July 1, 2003</i>
Sec. 17	<i>July 1, 2003</i>

**Statement of Purpose:**

To create an entity that conducts long-term planning activities for energy resources and facilities in the state and has the ability to issue a request-for-proposal for multiple solutions to a need for such resources and facilities; to establish a process whereby the Connecticut Siting Council jointly considers multiple applications that are common to such request-for-proposal; and to establish a municipal participation account to assist municipalities in defraying costs incurred by municipalities in participating as a party to a certification proceeding conducted by the Connecticut Siting Council.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*